

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-4, 7-11, 14, and 16-18 are currently pending, Claims 2-4, 7-10, 14, and 16-17 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 21, line 8 to page 32, line 7; and Figs. 4, 7, and 9.

In the outstanding Office Action, Claims 2-4, 7-11, 14, and 16-18 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; Claim 14 was rejected under 35 U.S.C. §102(b) as being anticipated by Langlet et al. (U.S. Patent No. 5,930,248, hereafter “Langlet”); and Claims 2-4, 7-11, and 16-18 were indicated as being allowable if amended to overcome the rejection under 35 U.S.C. §112, second paragraph.

Applicants thank the examiner for the courtesy of a telephone interview with Applicants’ representative, Mr. Sameer Gokhale, on July 29, 2009. During the discussion, the examiner explained that the originally sent Office Action had an error, and Claim 14 should have been rejected under 35 U.S.C. §102(b) instead of Claim 9.

Applicants thank the examiner for the indication of allowable subject matter. Applicants submit that Claims 2-4, 7-11 and 16-18 have been amended to overcome the rejections under 35 U.S.C. §112, second paragraph, as discussed below. Therefore, Applicants submit that at least Claims 2-4, 7-11, and 16-18 should be allowed.

With respect to the rejection of Claims 2 and 3 under 35 U.S.C. §112, second paragraph, Applicants submit that the amendment to Claims 2 and 3, clearly recites which device a “first determiner,” “a first transmitter,” a “first generator,” “a second generator,” a “second transmitter,” a “second determiner,” and a “difference information generator,” are

included in. Therefore, Applicants respectfully submit that this ground of rejection is overcome.

With respect to the rejections of Claims 7, 8, and 10 under 35 U.S.C. §112, second paragraph, Applicants submit that Claims 7 and 8 have been amended to recite a “high order switching device” in the preamble, and Claim 10 has been amended to recite a “low order switching device” in the preamble. Therefore, Applicants respectfully submit that these grounds of rejection are overcome.

Applicants note that indicated Claim 14 was indicated as rejected under 35 U.S.C. §112, second paragraph in the heading on page 2, section 3. However, the specific reasons for rejecting Claim 14 under 35 U.S.C. §112, second paragraph, were not articulated in the Office Action. Therefore, Applicants request that this ground of rejection be withdrawn or the examiner must articulate in any subsequent communication the reasons for rejection independent Claim 14 under 35 U.S.C. §112, second paragraph.

With respect to the rejection of Claim 14 under 35 U.S.C. §102(b), Applicants respectfully submit that the present amendment to Claim 14, which adds features similar to features recited in allowable Claim 12, overcomes this ground of rejection. Amended Claim 14 recites, *inter alia*,

determining a transmission time for the high order switching device and each of the plurality of low order switching devices to transmit packet data resulting in simultaneous data reception at the mobile terminal, wherein the determination is based on a time period necessary for transmission of the packet data from the high order switching device to each of the plurality of low order switching devices, and a time period necessary for transmission of the packet data from each of the plurality of low order switching devices to the plurality of base stations.

Applicants submit that Langlet fails to disclose or suggest these features of amended Claim 14.

Fig. 1 of Langlet shows a system 10 which is designed as a hierarchical network in which there are multiple base stations (BTS) 20 and multiple mobile units 12. At the high level, there are a group of mobile service switching centers (MSCs) 14 which are responsible for routing calls from an originator to a destination (see col. 4, lines 44-47). At a lower level, a group of base station controllers (BSCs) 16 handle mobility management and determine whether to initiate a handover when a mobile unit 12 moves locations (see col. 4, lines 53-59).

Langlet describes that multicasting is performed within the system (see col. 5, lines 35-60). However, Langlet does not explicitly describe that a single mobile unit is receiving data in a multicast manner from so that the data is simultaneously received at the mobile unit from different levels of the heirarchy.

Applicants note that the Office Action takes the position that Langlet describes “determining a transmission time for the high order switching device and each of the plurality of low order switching devices to transmit packet data resulting in simultaneous data reception at the mobile terminal,” as previously described in Claim 14. (See Office Action, at page 5, citing col. 9, lines 20-40). The cited portion of Langlet describes that preferably transmission timing of the multicast channels associated with various communication cells are offset with respect to one another by a number of time slots in order to avoid simultaneous transmission of downlink data on the same RF channel during the same time slot. Langlet also describes that the control of such multicast allocation may be handled at the BSC or MSC level. Applicants note that Langlet performs this method to prevent a C/I ratio at two or more separate communication cells from being degraded, and thus Langlet does not point to the need to actually simultaneously receive multicast transmission from different sources in the hierarchical network.

However, while Langlet may broadly describe controlling multicast allocation, nowhere does Langlet describe *determining a transmission time for the MSC (as a high order switching device) and each of the BSCs (as the plurality of low order switching devices)* to transmit packet data *resulting in simultaneous data reception* at the mobile unit 12 (as the mobile terminal), wherein the determination is based on a time period necessary for transmission of the packet data from the MSC to each of the BSCs, and a time period necessary for transmission of the packet data from each of BSCs to the plurality of base stations.

Therefore, Applicants submit that Langlet fails to disclose or suggest “determining a transmission time for the high order switching device and each of the plurality of low order switching devices to transmit packet data resulting in simultaneous data reception at the mobile terminal, wherein the determination is based on a time period necessary for transmission of the packet data from the high order switching device to each of the plurality of low order switching devices, and a time period necessary for transmission of the packet data from each of the plurality of low order switching devices to the plurality of base stations,” as defined by amended Claim 14.

Thus, Applicants respectfully submit that amended Claim 14 patentably distinguishes over Langlet.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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